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INCOMING TELEGRAM

DEPARTMENT OF STATE—DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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DEPARTMENT OF STATE
Le/T
OCT 10 1947
TREATY BRANCH
OFFICE OF THE LEGAL ADVISER

Control 2486

Rec'd. Oct. 8, 1947
6:10 p.m.

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FROM: Rome

TO: Secretary of State

NO: 3118, October 8, 8 p.m.

Commercial Treaty No. Ten. Article I Paragraph Two A. Protocol provision in Paragraph Three DEPTEL 1909 October 1 accepted by Italians.

Article One Paragraph Four. Amendments authorized in first sentence, third paragraph DEPTEL 1857 September 26 offered Italians at meeting October 6. Response unfavorable. Embassy representative then offered for minutes statement based upon second sentence same paragraph of DEPTEL. This explanation very satisfactory to Italians, but they insist that some more formal recognition of this interpretation is necessary. They now propose that Italian translation of treaty employ words "entra soggiorno" at two places where "immigration" appears in English version. They assert that Italian word "immigrazione" definitely connotes migration or permanent settlement and that control of such movement is in no sense purpose of their alien regulations. Their objections to changes in text authorized in DEPTEL 1857 also follow argument that use of word immigration meets US needs, but not those of Italy. If Department is unable to accept proposal of agreed translation, it may think it worthwhile to propose protocol provision based upon second sentence third paragraph of DEPTEL 1857. Embassy recognizes that while it may be possible to obtain agreement on some such provision, sentiment of Italian Delegation has hardened on this question and only most effective argument will convince it that word immigration cannot be officially interpreted in some such way as they propose.

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Article V Paragraph Two. Interpretation of word "prompt" authorized in DEPTEL 1857 satisfactory to Italian Delegation. Second sentence of this paragraph is subject of serious controversy however and will be subject of separate report.

Article V Paragraph Four. Substance of Department's position on word "interpreters" set forth in DEPTEL 1909 was given Italian Delegation in initial discussion and was recorded in minutes. Italians not satisfied. Lombardo asked pointedly whether this treaty draft was not modeled upon China treaty and whether word under reference is not more applicable to situation in China than to that in Italy. They also noted word is not contained in US Italian treaty of 1871. Delegation is somewhat sensitive about certain provisions of draft which they think more appropriate for backward areas than for civilized countries. If pressed to do so they will probably reluctantly accept word with explanation in minutes. Since this word has apparently not been used in US treaties with other European nations, might we drop it and incorporate in minutes an explanation that term "representatives" shall include interpreters.

Article VII Paragraph One. As authorized in DEPTEL 1857, September 26, Embassy Representatives submitted a draft of this paragraph for consideration of Italian Delegation. Italians stated that they considered it an improvement over previous draft but still unsatisfactory and agreed to submit version of their own. Two versions were submitted October 6. First of these follows the P.I. version through Paragraph A. Paragraph B follows:

"B. In case of nationals, corporations and associations of United States of America, the right to acquire own and dispose of such property or interests shall be upon conditions not less favorable than those accorded to nationals, corporations and associations of the Italian Republic within the state, territory or possession wherein the nationals of the United States of America is domiciled or under the laws of which the corporation or association of the United States of America is created or organized.

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Should however the laws and regulations of such state, territory or possession impose no limitations to the acquisition, ownership and disposal by nationals who are not residents of such state territory or possession or by corporations and associations which are not created or organized under laws of such state, territory or possession, such nationals, corporations and associations will be accorded in Italy the same treatment as that accorded or which may hereafter be accorded to nationals corporations and associations of the Italian Republic."

Second version follows:

"The nationals, corporations and associations of either High Contracting Party shall be permitted to acquire own and dispose of real and other immovable property or interests therein within the territories of the other High Contracting Party on conditions not less favorable than those which are or may hereafter be accorded to nationals, corporations and associations of such other High Contracting Party. The aforesaid provision however shall not apply in the case where the laws or regulations of a state, territory or possession of the United States of America impose limitations to the right of acquisition ownership and disposal of such property or interests by nationals who are not residents of such state, territory or possession or by corporations and associations which are not created or organized under the laws of such state, territory or possession. In that event the Italian Republic shall not be obligated to accord to the nationals of the United States of America domiciled in such state, territory or possession or to the corporations and associations created or organized under the laws of such state, territory or possession a treatment more favorable than that now accorded by such state territory or possession to nationals, corporations and associations of the Italian Republic".

As before Italian objection is to appearance rather than substance of the paragraph.

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1. DEPT greatly regrets that Washington meeting minutes (and possibly language difficulties) apparently misled Italians expect more than expressed or intended. Word QUOTE might UNQUOTE in minutes actually meant only that possibilities accommodating some part Italian desire would be thoroughly explored. Participants meeting recall DEPT actually gave little hope US could presently make treaty commitments re mutual recognition professional degrees and certificates. Extensive explorations subsequently confirm EMB's judgment impossibility accepting Italian proposal EMBTEL 2883, Sept 23. Evaluation student credentials, accreditation educational institutions, and granting, or recognition, licenses to practice professions under control of private educational institutions, private professional organizations or State authorities. Educational ~~institutions~~ institutions free to evaluate credentials any student, domestic or foreign, wishing attend such institution.

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FEDGOVT and states have no control over such evaluations. Accreditation educational institutions in US performed by private accrediting agencies such as Assn of Amer Universities, North Central Assn of Colleges and Secondary Schools, Amer Medical Assn, etc. Institutions failing meet standards required by appropriate accrediting agencies are not certified or have such certification withdrawn and neither FEDGOVT nor states may prevent such action. Individual states grant licenses to carry on professions within own borders and are free to recognize or reject licenses other states. Medical licenses in US also granted by National Board of Medical Examiners, a private organization. Majority of states prefer Board's licenses to those of other states.

2. However, USGOVT long interested in fair evaluation foreign student credentials and as evidence this interest has long rendered evaluation service through Office Education to educational institutions, and to state examination and certification officers of state in which foreigner wishes

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wishes practice profession. Institutions for which evaluations made are free however to alter such evaluations.

3. DEPT appreciates interest of ITALGOVT in cultural relations and proposes as substitute for Ital suggestion an exchange of notes at signing of treaty. Following quote would represent body such notes:

QUOTE In recognition of the importance of cultural relations between nations as a device to increase understanding and friendship, the HCP's declare it to be their policy to stimulate and to increase the interchange of professors, students, professional and academic personnel between the two countries. The HCP's agree to discuss at a later time the possibility of a separate agreement designed to establish arrangements whereby such interchange may be facilitated and generally to strengthen the cultural ties between the two nations UNQUOTE.

4. DEPT has raised question of degree standardization with US Delegation to UNESCO Conference, Mexico City.

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